

the appropriate changes to EPCA? I believe that industry will see the passage of this legislation as a signal that the changes to U.S. law needed for their continued participation in the IEA will not be forthcoming in this Congress, if ever. None of us should be surprised, then, when these companies end their cooperation with the IEA and start to reassign the personnel who previously worked on the issues of emergency preparedness and coordination.

The refusal of the other Body to act on the needed antitrust exemption places the two most important parts of the program of the IEA for 1998 in serious jeopardy. I would like to describe these planned activities in a little detail, which will illustrate how our energy security will be diminished by this bill, even if a crisis in the Persian Gulf does not occur while we are out of session. First, IEA was planning to convene a global conference next year to discuss the coordinated management of emergency oil stocks. For the first time, China, India, and other Asian countries, which will be crucial players in any international oil emergency, would have been represented. This conference will be an important opportunity to convince them to develop their own emergency stockpiles, and will provide a venue for them to learn the practicalities involved in doing so. The U.S. Government has contributed \$50,000 towards holding this conference. Without the necessary antitrust exemption, though, the conference will likely be canceled, since the key players with expertise in creating and managing emergency stocks, the oil companies that operate in the United States, are precluded from participating under current law. I don't see how that serves our national interests. Second, the IEA was also planning to hold, in 1998, the first drill in 5 years to exercise its emergency mechanisms. This is important to the smooth functioning of IEA's mechanisms in an actual emergency. In the last 5 years, most of the personnel with knowledge of what actually transpired during the Persian Gulf war on world oil markets have left the scene. It is past time that we have held an exercise to test our present capabilities to handle an emergency. Next year's exercise would also have been the first full test of the revised procedures put in place since the Persian Gulf war. Without the antitrust exemption, this exercise either cannot be held, or it must be limited to exercising only the obsolete IEA procedures for mandatory supply allocation. Industry interest in doing the latter is minimal, so the exercise will in all likelihood be canceled. Such an avoidable development is also not in our national interest.

If there were legitimate issues being raised by the other Body with respect to the broader legislation that is needed, that would be one thing. Such issues could be worked out in conference. But the only action from the other Body to our requests for the legal

changes needed to maintain our energy security, for the past 3 years now, has been to wait until the end of session, to pass a short bill extending the expiration dates in current law, and to leave town. I believe that our country has been poorly served by this inattention to our national security interests.●

#### EXPLANATORY STATEMENT OF THE SENATE COMMITTEE ON AP- PROPRIATIONS

● Mr. FAIRCLOTH. Mr. President, on Sunday, November 10, 1997, the Senate passed H.R. 2607, making Appropriations for the District of Columbia for fiscal year 1998. On November 10, 1997, under a unanimous-consent agreement, Senators STEVENS and BYRD were directed to file an explanatory statement on the District of Columbia Appropriations Act, 1998.

Earlier today, the Senate passed the appropriations bill for the District of Columbia. Senators STEVENS, BYRD, BOXER and I submit the attached bipartisan statement to accompany H.R. 2607, making appropriations for the District of Columbia for fiscal year 1998.

The statement follows:

#### EXPLANATORY STATEMENT OF THE SENATE COMMITTEE ON APPROPRIATIONS

The Senate Committee on Appropriations submits the following statement in explanation of the effect of the act of the House and Senate on the accompanying bill (H.R. 2607), which passed the House and the Senate.

The House- and Senate-passed bill on the District of Columbia Appropriations Act, 1998, incorporates most of the provisions of the Senate version of the bill and a number of provisions of the House version of the bill. The language and allocations set forth in Senate Report 105-75 should be complied with unless specifically addressed to the contrary in the accompanying bill and statement.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The House amended the Senate bill, which was passed by the House and Senate.

#### TITLE I

*Management Reform*—The bill provides \$8,000,000 in federal funds for a program of management reform for the District of Columbia government. The Revitalization Act and the Management Reform Act, which were enacted with the Balanced Budget Act of 1997, have created an opportunity for the District of Columbia to correct years of mismanagement throughout the District government as documented by the District of Columbia Financial Responsibility and Management Assistance Authority (Authority) and numerous Congressional hearings. The District of Columbia Appropriations Act, 1998, provides \$8,000,000 to fund the hiring of management consultants to conduct comprehensive reviews of nine major agencies and four major citywide functions of the District government. In addition, the appropriation funds the position of a chief management officer [CMO], who will oversee the responsibilities assigned the Authority under the Management Reform Act. The Congress will closely monitor each step of implementation of the Management Reform Act to ensure that the District continues the task of returning the District to a position of long-term financial responsibility.

*Federal Contribution*—The bill provides \$190,000,000 for a Federal contribution to the District of Columbia towards the cost of operating the District government. The appropriation represents the amount authorized by section 11402 of the National Capital Revitalization and Self-Government Improvement Act of 1997. The District is directed to use \$30,000,000 of the Federal contribution to repay the accumulated general fund deficit.

*Federal Payment to the District of Columbia Criminal Justice System*—The bill provides \$108,000,000 for operation of the District of Columbia Courts and the pension costs of certain court employees. The bill further provides that the Office of Management and Budget shall apportion quarterly payments from this appropriation to the District government for the courts' operations. In addition, payroll and financial services are to be provided on a contractual basis with the General Services Administration, which is directed to provide monthly financial reports to the President and the designated Congressional committees. The bill provides that, of this appropriation, up to \$750,000 is available for the establishment and operations of the Truth in Sentencing Commission authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997.

The bill further directs \$43,000,000 for payment to the Offender Supervision Trustee for obligation by the Trustee as follows: \$26,855,000 for Parole, Adult Probation and Offender Supervision; \$9,000,000 to the Public Defender Service; \$6,345,000 to the Pretrial Services Agency; and \$800,000 to be transferred to the United States Parole Commission.

*District of Columbia Public Schools*—The Committee notes with concern the delay in opening the District of Columbia public schools [DCPS] for the 1997-98 academic year. In order to ensure that the District's public schools do not experience a similar delay for the 1998-99 academic year, the Committee directs the Chief Executive Officer of the DCPS to report to the Committees on Appropriations of the Senate and the House, the Governmental Affairs Committee of the Senate, and the Committee on Government Reform and Oversight of the House by April 1, 1998, on all measures necessary and all steps to be taken to ensure that the District's public schools open pursuant to the DCPS schedule. The Committee directs that the report to Congress include a description of all building repairs needed to provide safe, habitable schools, and a timetable to complete repairs prior to the beginning of the 1998-99 academic year.

*District of Columbia Charter Schools*—The Committee is concerned about the slow progress of public charter schools in the District of Columbia. Since enactment of the District of Columbia School Reform Act of 1995, which established public charter school authority in the District, only three public charter schools have been established to date. Public charter schools are one of two opportunities to inject competition among the educational choices available to parents in the District and to make significant improvements in the quality of education provided to children in the District of Columbia. The Committee is hopeful that the current charter school application process will produce more public charter schools in the District. It is also the hope of the Committee that the District of Columbia public charter schools and the public charter school community will work together on solutions for the capital needs of public charter schools.

The bill provides \$3,376,000 from local funds, not including funds already made available for District of Columbia public schools, for public charter schools. Of this

amount, \$400,000 shall be available for the District of Columbia Public Charter School Board. The bill also establishes a revolving loan fund for current or new public charter schools. If any funds are not allocated by May 1, 1998, these funds shall be deposited in the revolving loan fund. In addition, the bill requires the District of Columbia public schools to report to Congress within 120 days of enactment, on the capital needs of each public charter schools.

The bill further provides that each public charter school authority may grant up to 10 charters per school year and may approve these charters before January 1 of the calendar year. The bill increases the number of members on a charter school's board of trustees from 7 to 15. The bill also allows an increase in annual payments to charter schools that provide room and board in a residential setting. Finally, the Committee agrees to require increasing the annual payment to charter schools to take into account leases or purchases of, or improvements to, the building facility of the charter school. The charter school must make its request for an increase in its annual payment by April 1 of the fiscal year.

**Deficit Reduction and Revitalization**—The bill approves the plan of the Mayor, District Council and Authority to allocate \$201,090,000 to the reduction of the District's accumulated general fund deficit, capital expenditures, and management and productivity improvements. The bill directs that not less than \$160,000,000 be used for reduction of the accumulated general fund deficit. The Committee agrees to the deficit reduction and revitalization plan proposed by the District government and Authority in lieu of the House proposal for a District of Columbia Taxpayer's Relief Fund and Deficit Reduction Fund.

**Medical Malpractice Reform**—The Committee notes with concern that the District of Columbia is one of the few jurisdictions in the country that has failed to enact medical malpractice reform. The continued increase in medical litigation in the district drives up the cost and reduces the availability of health care for all District residents and others who receive health care resources. The Committee directs the authority, in consultation with the District government, to evaluate the issue of medical malpractice reform and report to Congress by March 1, 1998, recommendations on medical malpractice reform for the District.

**University of the District of Columbia School of Law**—The Committee is concerned that students enrolled at the University of the District of Columbia School of Law (School) are not receiving the quality education that is required to prepare them for a successful career in the legal profession. The Committee directs the Authority to report to the Committees on Appropriations of the Senate and House of Representatives, the Senate Committee on Governmental Affairs, and the House Committee on Government Reform and Oversight by March 1, 1998, on the accreditation status of the School. The Authority shall include in its report recommendations on whether or not the School should continue to: (1) operate and (2) receive funds from the District of Columbia government.

**Public Space Misconduct**—The Committee is concerned about the ongoing problem of loitering, panhandling, alcohol consumption, verbal harassment, littering, and other improper and illegal activities in parks and other public spaces in the District. These activities discourage visitors to the District, hamper economic and neighborhood development, and facilitate serious criminal activity. The Committee directs the Metropolitan Police Department [MPD], in consultation

with the Council, the Mayor, the Authority, and relevant Federal law enforcement agencies, to develop and implement a plan to end such activities and ensure that public spaces are safe and attractive for families and others seeking legitimate recreation. The Committee further directs the MPD to adopt a zero tolerance enforcement strategy for public space misconduct during fiscal year 1998.

**Performance and Financial Accountability Requirements**—The bill includes the Senate provision amending the Federal Payment Reauthorization Act of 1994 relating to performance and financial accountability requirements for the District government. Section 130 shifts responsibility for preparing the performance accountability plans from the Mayor to the Authority. Responsibility for the financial accountability plan and report is shifted from the Mayor to the Chief Financial Officer. In addition, the bill amends the dates for submission of the plans and report to Congress.

**Section 138.** This section contains a new provision that requires the Authority to submit to the Congressional committees of jurisdiction quarterly reports that include an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter.

**United States Park Police**—The Committee agrees to the House recommendation for a \$12,000,000 appropriation for the United States Park Police. The Committee intends that the appropriation in section 141 is new Federal funding authority and is not to be an offset against any existing appropriations. The Committee intends this appropriation as a separate appropriation to be available only for the United States Park Police operations in the District of Columbia.

**District of Columbia Homeless Services**—Section 142 provides that the District government maintain for fiscal year 1998 the same funding levels for the District's homeless services as were provided in fiscal year 1997.

**Sections 144 and 145.**—The bill includes two provisions related to alcohol abuse, with a special emphasis on youth alcohol use, in the District of Columbia. The Committee recognizes that this is a serious problem in the District of Columbia, as it is throughout the nation. The first provision would increase the number of Alcoholic Beverage Commission inspectors in the District to sixteen and increase the emphasis placed on enforcement of laws prohibiting the sale of alcoholic beverages to minors. Currently, the D.C. Alcoholic Beverage Commission has just three inspectors in the field in addition to their chief, who also performs inspections of alcohol outlets. These four inspectors are responsible for monitoring over 1,600 alcoholic beverage outlets. In contrast, Baltimore employs 18 regular inspectors in addition to a number of part-time inspectors. It is illegal for persons under the age of twenty-one to purchase, possess, or consume alcoholic beverages in the District. In addition, the sale of alcoholic beverages to minors is prohibited. The Committee is concerned that these laws are not being adequately enforced.

The second provision calls for the General Accounting Office to conduct a study of the District's alcoholic beverage excise taxes. The study should examine whether increasing alcoholic beverage excise taxes would be useful in reducing alcohol-related crime, violence, deaths, and youth alcohol use. The study will also explore whether alcohol is being sold in close proximity to schools and other areas where children are likely to be and whether the creation of alcohol free zones in areas frequented by children would be useful in deterring underage alcohol consumption.

**District of Columbia Day-care and Home-care Operation.**—The Committee is concerned that

a significant number of District of Columbia day-care and home-care operations have been allowed to operate without proper licenses. The Committee is also concerned that the District government is failing in its mission to monitor effectively overall safety and quality standards at these facilities. These problems have reached crisis proportions, undermining welfare reform implementation and resulting in an unacceptable risk of harm to the children of the District. For these reasons, section 146 of the bill allows the District to expend such funds as may be necessary to hire additional monitors and inspectors at the appropriate City agencies to promote quality child care in the District. The Committee also expects this issue to be addressed in the development and implementation of the management reforms authorized by the District of Columbia Management Reform Act of 1997.

**Section 159.** The bill includes a technical amendment to a provision concerning the pay of officers and members of the United States Secret Service Uniformed Division, recently enacted in section 118 of Public Law 105-61, the Treasury and General Government Appropriations Act, 1998. Due to a drafting error, the word "locality" was substituted for "longevity". The amendment is retroactive to the date of enactment of Public Law 105-61.

**Section 160.** The bill provides \$3,000,000 for a Medicare Coordinated Care Demonstration Project in the District of Columbia. This pilot program was authorized in the Balanced Budget Act of 1997, Public Law 105-33, section (e)(1)(A)(ii), for the purpose of reducing Medicare costs. The pilot program will establish specific Clinical Pathways for more cost-effective treatment of patients in the high-volume, high-cost Disease Related Group [DRG]. It is expected that this pilot project will help develop improved diagnostic and therapeutic procedures for treating the District's Medicare patients at reduced costs and provide the basis for more cost-effective national standards.

**Section 161.** This section provides that the Authority shall have the responsibility for approving both reorganization plans and any authorization for programs or functions for which a reorganization plan is required.

**Section 162.** The bill includes a technical amendment to correct drafting errors and to clarify statutory language to reflect the intent of the conferees of the Balanced Budget Act of 1997 with respect to the State Children's Health Insurance Program.

**Section 163.** This section provides the General Service Administration with the authority to amend the use restrictions which accompanied the conveyance of a land parcel in 1956. The amended use restrict will allow the construction of a previously approved veterans nursing home on the grounds adjacent to an existing veterans family.

**Section 165.** This section directs the Authority to appropriate \$2,600,000 from local funds for a pay raise for uniformed fire fighters of the District's Fire and Emergency Medical Services Department. The purpose of the pay raise is to make the District's compensation for fire fighters comparable to fire fighters in surrounding jurisdictions. The Committee intends that the Authority use its discretion determine the source of the funds for the pay raise.

**Section 166.** This section provides a technical change to allow the Office of Personnel Management to waive the retirement annuity offset requirement for the Trustee for Offender Supervision consistent with a similar provision included in the National Capital Revitalization and Self-Government Improvement Act of 1997 for the Trustee for Corrections.

## TITLE II

Section 201 sets out the short title of the Act.

Section 202 establishes a mechanism for certain Nicaraguans and Cubans who have been present in the United States since 1995 to adjust to the status of lawful permanent resident.

Section 203 modifies certain transition rules established by IIRIRA with regard to suspension of deportation and cancellation of removal. The changes state that the "stop time" rule established by that Act in section 240A of the INA shall apply generally to individuals in deportation proceedings before April 1, 1997, with certain exceptions. They also state that the rule shall not apply to certain applicants for suspension of deportation. The exception includes certain Salvadorans and Guatemalans who were members of the ABC class or applied for asylum by April 1, 1990 and derivatives as specified in the statute, as well as applicants from the former Soviet Union and Eastern Europe who came here by December 31, 1990 and applied for asylum by December 31, 1991 and derivatives as specified in the statute. Section 203 also makes clear that in order to obtain cancellation these individuals have to meet the standards laid out in that section, rather than the ones laid out in section 240A of the INA. Finally, the section provides for temporary reductions in visas available under the "diversity" and "other workers" immigration categories, with the reduction in the latter to take effect after those in the backlog have received visas.

Section 204 makes technical and clarifying changes to certain provisions in section 240A(e) of the INA.●

#### HISTORIC TOWN HALL MEETING IN BILLINGS, MONTANA

● Mr. BAUCUS. Mr. President, I rise today to recognize the accomplishments of one city in Montana in addressing the issues of gangs, violence and kids.

On September 29, 1997, a historic town hall meeting took place in Billings, Montana. This cooperative and coordinated effort involved the media, school officials, and community leaders. It also involved a critical component: experts in addressing gang activity from Los Angeles. Together this effort created an hour-long video conference called "Gangs, Violence and Kids" and aired it on every major media outlet in the Billings area.

This presentation incorporated a panel and studio audience format which brought in a cross-section of the population, including teenagers, represented in the region. Concerns were raised, perceptions were addressed, and issues were confronted in an honest and straightforward manner.

By no means an end to itself, this town hall meeting has launched a series of follow-up gatherings, a foundation, a mentoring connection and a pipeline of support for ongoing programs like the U.S. Department of Justice's Weed and Seed program for Billings and surrounding communities has been established.

Beginning last week, a series of 30-second public service announcements were aired to address the issues raised in the town hall meeting. This cam-

paign will contribute to the community's understanding of how these important issues affect all our neighborhoods. I especially appreciate the significant commitment by those who have agreed to continue in their role as advocates for change.

I am extremely proud of what Billings has accomplished and how its residents strive to respond to important issues. I hope my colleagues will agree that this successful effort in Billings is a model that can be duplicated in their community.●

#### FUNDING FOR THE UNITED NATIONS

● Mr. FEINGOLD. Mr. President, I want to express my disappointment that—due to compromises made during negotiations over three separate conference reports, the Foreign Operations Appropriations bill for FY 1998, the Commerce, Justice, State Appropriations bill for FY 1998, and the State Department Authorization Act for FY 1998-99—conferees were forced to trade away authorization and appropriations that would have cleared existing U.S. debt to the United Nations. As the Senate adjourns for the holiday recess, only a fraction of the \$900 million in arrears payments that was originally proposed by the Senate Committee on Foreign Relations on which I serve was included in the CJS appropriations bill.

Mr. President, what this means is that we will still be in substantial debt to the United Nations.

Mr. President, the United Nations is not a perfect organization. I certainly have some real concerns about the size and extent of the UN bureaucracy, for example. Just as with any organization this big, we must be on guard against possible mismanagement or abuse, and certainly the U.N. system has had its share of both.

But at the same time, I think that U.S. participation in the United Nations—with all the benefits and costs that membership implies—is an indispensable tool in this country's foreign policy bag. When it operates effectively, the United Nations provides a framework to serve U.S. interests at the same time that it achieves economies of scale.

Just this week, Mr. President, the United States is working within the U.N. structure to assert a united front against the flagrant abuses of international law exercised by Iraq in recent weeks. Mr. President, if nothing else, the crisis in Iraq aptly demonstrates the value of the United Nations to our country.

I would make a similar point about the role the United Nations plays in peacekeeping operations. U.N. forces have participated in more than 40 peacekeeping operations around the world since 1948. Members of this body may have disagreements over whether or not each and every one of those was necessary, but when you look at places where the U.N. has been instrumental

in maintaining cease-fires or providing humanitarian relief, it is clear that the United States can achieve its national interest goals at a lower cost to U.S. taxpayers than would be possible if the United States tried to do it alone.

Mr. President, during the listening sessions that I conduct in the 72 counties in the state of Wisconsin, I hear sympathetic words from my constituents about the need for the involvement of the international community in times of crisis. But they also express hesitation about sending their sons and daughters to fight in far-away conflicts.

The United Nations provides a mechanism through which the United States can contribute to international security without having to send our own troops every time there is a problem.

The U.N. reform and funding package that was agreed to in the Foreign Relations Committee was a carefully crafted compromise between those that would limit or eliminate U.S. participation in the United Nations and those that would like to see a fully funded and active United Nations.

But, Mr. President, due to the intransigence of some of our colleagues in the other body, it appears that the moral and legal obligations of the United States to pay its debts to the United Nations have been sacrificed to serve an unrelated domestic interest.

The compromise package worked out in our Committee would have gradually decreased the amount of our assessed contribution to the United Nations from the current level of 25 percent, to 20 percent by fiscal year 2001. Assuming the budget for the United Nations remained constant, the time line set forth in this package could have saved the US taxpayer at least \$375 million over the next four years from a combination of savings from the assessments and from budget discipline. It would have allowed us to continue our participation in the United Nations, which I think is important, while at the same time achieving some real cost savings for the taxpayer.

Now, with authorization of repayment of these arrears in jeopardy, it remains unclear how the United States will manage to clean the slate with the United Nations.

Mr. President, I hope we will be able to resolve this issue when the Senate returns for the 2d session of the 105th Congress.●

#### NATIONAL D-DAY MEMORIAL

● Mr. WARNER. Mr. President, on Tuesday, I was privileged to attend the dedication of the National D-Day memorial. Located in Bedford, VA, among the grandeur of the Blue Ridge Mountains, this memorial truly dignifies those who participated in the historic military operation of June 6, 1944.

As many of my colleagues may recall, there had not been a national memorial honoring those who served in